

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO. 7:18-CR-00157-FL

UNITED STATES OF AMERICA :
 :
 v. :
 :
 ADRYAN HERNANDEZ :

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, pursuant to the entry of a Memorandum of Plea Agreement entered into by the defendant on November 13, 2018, the following personal property is hereby forfeitable pursuant to 18 U.S.C. §§ 982(a)(2)(B) and 1029(c)(1)(C):

- \$61,965.00 in U.S. currency;
- \$32,300.00 in U.S. Postal money orders;
- Lenovo Ideapad;
- HP laptop, model 15-ac121dx;
- Apple Iphone, model A1784;
- LG cell phone, model LS990, and
- Samsung Galaxy cell phone and SIM card.

Accordingly, it is hereby ORDERED, ADJUDGED and DECREED that:

1. That based upon the Memorandum of Plea Agreement as to the defendant, Adryan Hernandez, the interest of the defendant in the identified property is herewith forfeited to the United States for disposition in accordance with the law,

including destruction, subject to the provisions of 21 U.S.C. §§ 853(n)(1) through (7). In accordance with Fed. R. Crim. P. 32.2(a)(4)(A), this Order is now final as to the defendant.

2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Preliminary Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(a)(4)(B).

3. That pursuant to 21 U.S.C. § 853(n), the United States forthwith shall publish at least once in a newspaper of general circulation notice of the United States' intent to dispose of the property in such a manner as the Secretary of Treasury or the Attorney General may direct, and notice that any person, other than the defendant, having or claiming any legal interest in the subject property must file a petition with the Court within 30 days of the publication of notice or of receipt of actual notice, whichever is earlier.

This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the subject property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and any additional facts supporting the petitioner's claim and the relief sought.

The United States should also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the Preliminary

Order of Forfeiture, as a substitute for published notice as to those persons so notified.

4. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n)(6).

5. That any and all forfeited funds shall be deposited by the United States Department of the Treasury and/or the United States Department of Justice as soon as located or recovered into the United States Department of Treasury Assets Forfeiture Fund and/or the United States Department of Justice Assets Forfeiture Fund in accordance with 28 U.S.C. § 524(c) and 21 U.S.C. § 881(e).

SO ORDERED. This 11th day of April, 2019.


LOUISE WOOD FLANAGAN
United States District Judge